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EXAMINER

JANVIER, JEAN D

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3622

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/503,532

Applicant(s)

HALL, WILLIAM Y.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,8,9,11-19,23,24,26-30 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,9,11-19,23,24,26-30 and 39-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/08/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 08, 2005 has been entered and a Non-Final Action follows.

***Response To Applicant's Amendments***

The Examiner approves the amendments to the claims and the new claims.

**Detailed Action**

**Specification**

**Status of the claims**

Claims 1-4, 8, 9, 11-15, 16-19 and 23, 24, 26-30 and new claims 39-49 are being prosecuted on the merits and claims 5-7, 10, 20-22 and 25 are canceled and newly added claims 31-38 are withdrawn from further consideration for the reasons cited above. The withdrawn claims should be canceled in a future correspondence.

### **General Comments**

Regarding claim 14, in examining the claim, the Examiner considers whether or not the structure of the prior art, as shown below, is capable of performing the functions recited in the claim. Further, for examination purpose, the claim is broadly interpreted Comments

### ***Claim Objections***

Claims **1 and 16** are objected to because of the following informalities:

Regarding claim 1, lines 20 and 21, and claim 16, lines 27 and 28, recite "...such that the merged update information and advertising information comprises....." should apparently be --... such that the merged update information **and** advertising information comprise..."

Appropriate corrections are required.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8, 9, 11-14, 15, 16, 17, 18, 19 and 23, 24, 26-29, 30 and 39-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Terranova, US Patent 6,422,464B1.

As per claims 1-4, 8, 9, 11-14, 15, 16, 17, 18, 19 and 23, 24, 26-29, 30 and 39-49, Terranova discloses a method of and a system for automatically providing customer preferences during a fueling operation (commercial transaction). The system includes a fuel dispenser with an audio/video customer interface having a display and audio system. Wireless communications electronics are associated with the dispenser and adapted to receive signals including indicia from remote communications units (such as transponders related to registered customers). A control system and memory are provided to receive an indicia or an ID from a remote communications unit and provide a customer with select information, predefined by the customer, at the customer interface. The selected information is chosen by the customer and associated with the remote communications unit prior to the transaction. Notably, the control system may include a dispenser controller, a central site controller, a control system associated with a remote network, or any combination thereof (See abstract).

The present system is adapted to personalize a fueling operation on an individual customer basis (customized transaction). During a transaction, an interrogator will interrogate a transponder or a customer's remote communication unit and receive customer preferences or profile for identification indicia, which will allow the dispenser or associated control system to access predefined customer preferences or profile associated with that transponder and customer (identifying a customer through a transponder during a commercial transaction and retrieve the customer's preferences or profile in order to display targeted information or programming to the customer during the transaction). Typically, the preferences are determined early in the fueling or transaction operation. The information may be accessed as a customer approaches a dispenser to enable the control system to provide the identified customer with a personalized or customized programming such as personalized greeting, pre-selected information such as news, traffic, weather, scores or stock reports, in addition to providing customer-selected or customized advertising, merchandising or entertainment presentations prior to being issued a transponder or during a registration process (Presenting a customized programming including news or advertising to the customer during a commercial transaction). The customer may fill out an application or form, relating to the types of information, greetings and multimedia presentations he or she would be interested in receiving during a fueling operation. The customer-selected information will be entered into a database associated with the transponder ID or actually stored on the transponder in a format capable of instructing the dispenser or central control system to act accordingly during a transaction. Here, the customer's indicia include identification indicia and the select information is stored in the memory associated with the identification indicia of the remote communications unit or transponder. The control system is adapted to remotely and wirelessly access the selected information in the memory of the customer's transponder upon receipt of the

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identification indicia and provide the select information at the customer interface accordingly during the commercial transaction or fueling transaction. In another embodiment, the fuel control system may also be adapted to access the customer's select information, chosen during a registration process, at a remote network based on the indicia received from the remote communications unit or transponder and provide the select information to the customer interface. Additionally, the select information may be stored on an audio/visual source adapted for playback of audio/visual material according to the pre-selected customer information. The select information may include news, entertainment, advertising and merchandising material. Furthermore, the customer may elect to receive an audible or visual greeting at or near the beginning of the transaction. The fuel control system may further be adapted to allow a customer to **modify the predefined selected information or programming during** a transaction to receive different or additional information (modifying the programming information or predefined selected information based on input received from the identified customer at the commercial location during the transaction). Preferably, the customer interface will include a keypad and display for effecting such modification.

**Moreover, Terranova discloses a method for automatically providing customer preferences during a fueling operation. The method includes receiving indicia from a customer's remote communications unit, determining select types of information (customer's preferences) predefined by the customer using the indicia, accessing (programming) information defined by the select types of information (or based on the customer's preferences), and providing the information to the customer during the transaction or fueling operation. The receiving step may further include receiving**

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**identification indicia for the remote communications unit and the accessing step may include accessing information according to the select types of information (customer's preferences or stored profile) in a database using the identification indicia. Notably, the information provided to the customer may be the indicia received from the transponder, such as a greeting, or the information may be selected or defined by the indicia received from the remote communications unit.**

The system also provides an embodiment adapted to track the customer's transactions via a transponder throughout a number of fueling environments operatively associated with host network 94. The basic flow of transaction tracking is shown in FIG. 25 wherein a typical fueling operation begins (block 1400) by a transmission from the transponder of transponder identification indicia to the dispenser 18 (block 1410). **During the transaction, transaction information are received from the transponder and/or gathered by the dispenser and central control systems (blocks 1420 and 1430). The information received and gathered preferably includes information such as the type of transaction, the dollar amount per transaction, frequency of transactions, and the location of these transactions.** The information gathered by the central control system 50 may be relayed to the host network or major oil company network 94 (block 1440). The information is updated and compiled at the host network (block 1450) to enable study of customer activities and transactions. This information is very valuable **in presenting customized advertising and merchandising in the fueling environment to the identified customer.** Once the information is compiled at the network 94, the process is ended (block 1460) (customer's transactions data are used to update



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the customer's profile data stored in a server database in order to present targeted advertising to the customer based on the updated profile). .

Moreover, the system monitors the customer's transactions not only to present targeted advertisements to the customer, but also to provide loyalty benefits to the customer. Indeed, loyalty benefits are provided to the customer based on the customer's current transaction, past transactions (purchase history), etc. The loyalty benefits may be stored in the memory of the customer's transponder, in the fuel controller database or in a host computer network database. Finally, the loyalty benefits may be redeemable during a current transaction or in subsequent transactions at a plurality of participating gas stations and transaction data associated with the redemption of the loyalty benefits are also monitored and used to update the customer's profile.

See cot. 1: 43 to cot. 2: 54; cot. 40: 22-33; cot. 36: 57 to cot. 37: 11; cot. 37: 41; cot. 14: 44 to cot. 18: 40.

**Finally, preferably, as discussed above, the indicia include identification indicia and the select information (advertising and update information (news, weather reports, stock quotes, entertainment, etc.)) is stored in a memory (database) associated with the identification indicia (input device) of the remote communications unit. The control system of the dispenser is adapted to access the selected information in the memory upon receipt of the identification indicia and provide the select information at the customer interface accordingly. The control system may also be adapted to access the select information at a remote network (local system) based on the indicia received from the remote communications unit and provide the select information to the customer interface.**

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Additionally, the select information may be stored on an audio/visual source 156 directly coupled to the fuel dispenser controller 80 of fig. 5 and adapted for playback of audio/visual material according to the pre-selected customer information (psychographic profile) retrieved from the remote or central database (storing the programming information in a local database related to the commercial location system). The select information may include news, entertainment, advertising and merchandising material. Additionally, the customer may elect to receive an audible or visual greeting at or near the beginning of the transaction. Further, the dispenser controller 80 has links to other data networks or systems besides the central or remote host database, including auxiliary source 156 (local system database) of fig. 5, where it can retrieve and display the select information (advertising and update information) on the dispenser interface to the identified customer during a transaction at the pump upon receiving the customer's preference information (customer's profile) from the central or remote host database subsequently to forwarding to the central or host database by the dispenser controller 80 the customer received indicia. The dispenser control system 80 of fig. 5 provides a graphical user interface with keypad 102 and display 100. Audio/video electronics 86 is adapted to interface with the dispenser control system 80 and an auxiliary audio/video source 156 to provide advertising, merchandising and multimedia presentations to a customer in addition to basic transaction functions. The graphical user interface provided by the dispenser allows customers to purchase goods and services other than fuel at the dispenser. Furthermore, the control system may be adapted to allow a customer to modify the predefined selected information (customer's profile or preferences) during a

**transaction at the commercial location or at the pump in order to receive different or additional programming information (news, weather, advertising, etc.). To do so, the customer's interface, as depicted in fig. 5, includes a keypad 102 coupled to the fuel dispenser controller 80 and used by the identified customer to input the new choices or preference data in real-time, while conducting a transaction at the commercial location, wherein the new preference data (profile data) are used to update the customer's stored profile (at the central system) and to present different or updated programming to the identified customer based on the updated profile data (fig. 5; col. 2: 16: 16-38; col. 9: 9-35; col. 39: 16-19).**

**(Figs. 5 and 26; col. 2: 16: 16-32; col. 9: 9-35; col. 39: 16-1; col. 2: 16-57; col. 38: 9 to col. 42: 445).**

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 8, 9, 11-14, 15, 16, 17, 18, 19 and 23, 24, 26-29, 30 and 39-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta, USP 6, 820, 062B1.

As per claims 1-4, 8, 9, 11-14, 15, 16, 17, 18, 19 and 23, 24, 26-29, 30 and 39-48 and the present system features a Product Information System (PISYS) which presents advertising and product information to grocery shoppers at the point-of-sale (POS) or point-of-transaction. The system includes one or more shopping carts coupled to a portable computer, with a screen, having a bar code scanner to read Universal Product Codes (UPCs) from scanned merchandise connected thereto. An artificial intelligence (AI) system presents advertising and general product information. The system determines the shopper's tastes from choices, which the shopper expresses explicitly and from characterizations which it infers by examining the shopper's buying habits, wherein the characterizations or newly derived profile parameters are not directly read from the shopper's or consumer's purchase habits or purchase history. **At the conclusion of a shopping session, the PISYS shopping cart transfers relevant information to a PISYS checkout counter, which transfers it directly to an in-house central computer for permanent storage and retrieval.** Because a PISYS shopping cart interacts with a shopper at the very moment he is making a purchase decision, it provides the most effective means for advertising. The data, including information related to read advertisements displayed on the shopping cart computer screen, product selection or de-selection, products purchased, shopping cart movement within the store and other interaction data, are analyzed by the in-house central

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computer or remote computer or server, wherein this analysis provides accurate and timely measures of the effectiveness of any change in store strategy (See abstract).

The present system further defines the selection of **advertisements according to the general interests of an identified shopper such that a shopper using food stamps is likely to see ads for cheap products or moderately priced items (since it might be inferred therefrom that the shopper belongs to a poor demographic segment). If a person, for instance, questions the system repeatedly for information about food stamp eligibility of products, then the system will not advertise expensive cheeses and wines to the shopper (since it is inferred therefrom that the shopper belongs to a poor demographic segment of the population).** Furthermore, shopper cost sensitivity may be indicated if the system displays an advertisement for a competing lower-priced item that is subsequently purchased by the shopper (col. 2: 42-50).

The system maintains a Preference and Purchase Profile (PPP) for each customer. The PPP represents information about a shopper's interests and tastes, entered voluntarily the first time that the shopper uses the system. The PPP also contains a set of historical parameters, which characterizes the shopper's buying habits over time. These range from statistical characterizations of product classes, which a shopper purchases most frequently to a shopper's movement through the store. **The shopper's information is sent from the shopper's portable computer to the checkout counter system, which transmits the information to the central computer for permanent storage and later retrieval. As the shopper reads advertisements displayed on the shopping cart computer screen (the shopping cart system and the checkout counter system are part of the commercial location), selects and buys products,**

more data are forwarded to the central computer to thereby update the shopper's information or profile stored therein. When the shopper's presence is detected in the store via a shopper's card input or otherwise, the shopper's profile is sent from the central computer to the the checkout system where one or more pre-stored advertisements (transmitted previously from the central in-house computer or a third party or a competitor or advertiser) are retrieved therefrom and displayed on the shopper's shopping cart computer screen accordingly

Provisions may be made for each identified regular shopper to have a custom PPP stored in an in-house central computer and entered into the shopper's remote unit when the shopper enters the store. Information necessary to initiate this process could be stored on a store card given to the shopper and read with a card reader at the entrance to the store. Basic shopper information could be stored on the shopper's card and read by the scanner on the remote unit (shopping cart portable unit). Alternatively, the remote unit could be automatically initialized via infrared (IR or wireless) transmission with a shopper's PPP from the main computer at the time the shopper enters the store (wireless communication between the commercial location or the remote unit and the central computer to transfer and receive data- Col. 2: 51 to col. 3: 3).

Furthermore, the remote unit keeps time-stamped lists of products scanned by the shopper, advertised to the shopper and purchased by the shopper. The lists can be uploaded to the central store computer via infrared (wireless) communication from the checkout counter terminal at the time of checkout. This list would be used to update a regular shopper's PPP (profile) on the main computer, wherein this updated profile is

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**forwarded from the main computer to the commercial location when the presence of the shopper is detected during a transaction at the commercial location to thereby present customized programming including advertisements to the identified shopper via the screen of the portable computer coupled to the shopping cart.** Such a list could also be used to determine if the advertisement was effective in changing the decision of the buyer. The system measures effectiveness by tracking the time when the advertisement was displayed and the later moment when the item was added by the shopper to his shopping list. (Shopper's input) This information, uploaded to the in-house central computer, could be analyzed to determine the effectiveness of the advertising, as well as the billing of advertising fees to the manufacturers and/or distributors (Col. 3: 4-20; col. 9: 16-31).

See also col. 9: 16-31; col. 5-19; col. 12: 17-64 and claims 10-13 of the current reference.

### ***Response to Arguments***

In reply to the Applicant's remarks, the Examiner admits that the process of **storing data or an advertisement and update information in a local database associated with a POS** as opposed to recording the information in a remote database does not have any patentable weight per se because in either case the advertisement and update information (data) are retrieved from either the local database or the remote database (in a manner transparent to the user) and displayed on an interface or output device the same way once the user had been properly identified at a POS during a transaction. Having said, however, the Examiner is about to demonstrate or show that there is enough evidence in the prior art made of record here to support

the fact that the advertisement and update information are locally stored and retrieved and displayed to an identified customer during a transaction.

First, Terranova discloses a system for automatically providing customer preferences (select information or advertisement and update information, such as advertising, news, weather report, stock quotes, etc., that the identified customer indicated that he would like to see during a visit at the pump) during a fueling operation. The system includes a fuel dispenser with an audio/video customer interface having a display and audio system. Wireless communications electronics are associated with the dispenser and adapted to receive signals including indicia from remote communications units or transponder related to the customer. A control system and memory, corresponding to the dispenser or fuel pump, are provided to receive the indicia from a remote communications unit and provide a customer with select information, predefined by the customer, at the customer interface. The selected information is chosen by the customer, during a registration process, and associated with the remote communications unit prior to the transaction. Notably, the control system may include a dispenser controller, a central site controller, a control system associated with a remote network, or any combination thereof (See abstract).

Here, Terranova discloses a system that allows a customer to pre-select which types of information (select information) he wishes to access at a fuel dispenser station or other station. With the current systems in the fuel dispensing industry, a customer uses a credit card to initiate and authorize a fuel transaction. The customer card number is read by the fuel dispenser and sent back to the fuel site controller. The fuel site controller sends the credit card number to a host



network through modem or other data network communications. The host computer looks up the credit card number and authorizes the fuel transaction with a message back to the site controller. Every time the customer uses the particular credit card to authorize a fuel transaction the host computer may not only authorize the card, but also look up the pre-registered information stored for that particular credit card and send a message back to the site controller indicating the customer's preferences. The site controller, associated with the fuel dispenser, could provide this information to the customer automatically at the fuel dispenser without having to make any selections. The manner in which pre-registration for credit cards may be accomplished could be by an application that is sent to the credit card or fuel card companies indicating the choice of information to be delivered. For example, the information choices could include weather reports, local traffic reports, stock reports, etc.

The site controller, related to the fuel dispenser, is further configured to determine customer preferences through the use of a transponder used by the customer. As noted, the transponder can be hand-held or car mounted. The car-mounted version of the transponder may be linked with the car's control system. **The transponder could reserve some of its user-memory to store customer preferences type of information).** **Whenever a customer uses the transponder (receiving an input from the customer) to authorize a fuel transaction, the transponder ID may be sent by the fuel dispenser to the site controller and on to the host network (remote database) so that a credit or fuel card number can be associated with the transponder ID to which the fuel will be charged.** During the authorization process, the fuel dispenser interrogator could also interrogate the transponder for the customer's information preferences locally rather than having to obtain this information from the host computer

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(however, the preference information or profile information may be stored in the remote host database). This method would save bandwidth and access time by the site controller to the host computer.

The Terranova's system provides features adapted to personalize a fueling operation on a customer-by-customer basis. In operation, the dispenser 18 will generally interrogate the transponder and receive customer preferences or an ID, which will allow the dispenser or associated control system to access customer preferences, early in the fueling operation. Preferably, the information is accessed as the customer approaches the dispenser to enable the dispenser and associated systems to provide the customer with **a personalized greeting, pre-selected information, such as news, traffic, weather, scores or stock reports in addition to providing customer selected advertising, merchandising or entertainment presentations.** Typically, a customer fills out information relating to the types of information, greetings and multimedia presentations (profile data) he or she would be interested in receiving during a fueling operation. **The (preference) information is entered into a database associated with the transponder ID** (the customer's profile may alternately be stored in a remote database separate from the transponder memory) or actually stored on the transponder in a format capable of instructing the dispenser or central control system accordingly.

Reference or attention is now directed to FIGS. 26A and 26B. Once the customer preference information is in place, fueling processes will begin (block 1500) wherein the dispenser 18 receives transponder identification indicia (block 1505). **The dispenser 18 will cooperate, over a network including a wireless network or Satellite system, with the central control system 50 and remote network 94 as necessary to receive and access customer**

**preferences**. Alternatively, the preferences may be downloaded from the transponder directly.

The preferences may precondition fuel delivery (block 1515) by selecting the desired type of fuel and fuel grade, and providing a personalized greeting (block 1520). The greeting may be configured to visually and/or audibly provide a personal message such as "good morning" or "good afternoon Mr. Smith." Additionally, a customer may have selected preferences (psychographic profile) as to the type of advertising and merchandising (and weather reports, stock quotes, etc.) provided by the display 100 and audio/video electronics 86.

**In one embodiment, the advertising (and weather reports, stock quotes, etc.) may come from a dedicated auxiliary audio/video source 156 of fig. 5 (coupled to the dispenser controller 80), such as a laser disk player or digital video disk (DVD) (as well as via the remote network 94).** The network 94 may be associated with the Internet. The Internet provides a wide range of multimedia capabilities to the fueling environment relating to remote control and information dissemination.

On page 19 of his response, Applicant states that the actual information or programming to be displayed to the customer apparently (here, the Applicant is not sure) comes from a **central provider** (central location), a local dedicated auxiliary audio/video source or other data networks. Further on, on page 20, the Applicant submitted that nothing in Terranova indicates that the information or programming to be presented to the customer is received from a central location and that the fuel dispenser controller in Terranova **appears** (the Applicant is not too sure of that) to contact the central provider (central location) or other data networks at the time the programming information is needed. The latter statements seem to contradict those made by the Applicant on page 19.

**In reply, and as previously discussed, the customer's indicia include identification indicia and the select information (advertising and update information (news, weather reports, stock quotes, entertainment, etc.)) is stored in a memory (database) associated with the identification indicia (input device) of the remote communications unit. The control system of the dispenser is adapted to access the selected information in the memory upon receipt of the identification indicia and provide the select information at the customer interface accordingly. The control system may also be adapted to access the select information at a remote network (local system) based on the indicia received from the remote communications unit and provide the select information to the customer interface. Additionally, the select information may be stored on an audio/visual source 156 directly coupled to the fuel dispenser controller 80 of fig. 5 and adapted for playback of audio/visual material according to the pre-selected customer information (psychographic profile) retrieved from the remote or central database (storing the programming information in a local database related to the commercial location system). The select information may include news, entertainment, advertising and merchandising material. Additionally, the customer may elect to receive an audible or visual greeting at or near the beginning of the transaction. Further, the dispenser controller 80 has links to other data networks or systems besides the central or remote host database, including auxiliary source 156 (local system database) of fig. 5, where it can retrieve and display the select information (advertising and update information) on the dispenser interface to the identified customer during a transaction at the pump upon receiving the customer's preference information (customer's profile) from the central or remote host database**

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subsequently to forwarding to the central or host database by the dispenser controller 80 the customer received indicia. The dispenser control system 80 of fig. 5 provides a graphical user interface with keypad 102 and display 100. Audio/video electronics 86 is adapted to interface with the dispenser control system 80 and an auxiliary audio/video source 156 to provide advertising, merchandising and multimedia presentations to a customer in addition to basic transaction functions. The graphical user interface provided by the dispenser allows customers to purchase goods and services other than fuel at the dispenser. Furthermore, the control system may be adapted to allow a customer to modify the predefined selected information (customer's profile or preferences) during a transaction at the commercial location or at the pump in order to receive different or additional programming information (news, weather, advertising, etc.). To do so, the customer's interface, as depicted in fig. 5, includes a keypad 102 coupled to the fuel dispenser controller 80 and used by the identified customer to input the new choices or preference data in real-time, while conducting a transaction at the commercial location, wherein the new preference data (profile data) are used to update the customer's stored profile (at the central system) and to present different or updated programming to the identified customer based on the updated profile data (fig. 5; col. 2: 16: 16-38; col. 9: 9-35; col. 39: 16-19).

(Figs. 5 and 26; col. 2: 16: 16-32; col. 9: 9-35; col. 39: 16-1; col. 2: 16-57; col. 38: 9 to col. 42: 445).

Finally, the Applicant submits that Terranova fails to anticipate converting “customer profile information” into a “profile data word” at a central location and decoding the profile data word to define “decoded profile information” at a commercial location. The Examiner had already addressed the issue regarding the phrase “profile word” in a previous Office Action. The latter limitations represent a typical and well understood jargon used by those skilled in the field of computer programming, and these limitations are interpreted as --receiving preference or profile data from an identified customer at a central location for analysis, storage and later retrieval and forwarding the profile or preference data from the central location to the commercial location, which uses the forwarded profile data to present a customized programming to the identified customer via a display coupled to the fuel dispenser.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,082,500A to Amo discloses a display apparatus within elevator cabs or elevator waiting areas that facilitates the simultaneous display of advertising and general news information. Broadcast from a remote control center, advertising and general news information updates are transmitted to, and stored in a server located within a building and then forwarded to a display memory and subsequently displayed on a monitor according to a remotely modifiable program schedule. The display is updated such that it contains a copy of the latest broadcast schedule, as well as the advertisement and information programming, and

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automatically displays a days program according to the most current broadcast schedule. The display units as well as the building server are each individually addressable thus allowing groups of displays to be simultaneously updated from a remote centralized location with information such as news updates, customized advertising information and the like (See abstract).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

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JDJ

12/10/05

Jean D. Janvier

Patent Examiner

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**JEAN D. JANVIER  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Janvier Jean Dario", written over the printed name and title.